

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

RECORD PACKET COPY**Tu 14**

DATE: December 16, 1999

TO: COASTAL COMMISSIONERS
AND INTERESTED PARTIES

FROM: MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

RE: NEGATIVE DETERMINATIONS ISSUED BY THE EXECUTIVE
DIRECTOR [Note: Executive Director decision letters are attached]

PROJECT #:	NE-099-99
APPLICANT:	California Sate University, Monterey Bay
LOCATION:	Point Sur Lighthouse, Big Sur, Monterey County
PROJECT:	Antennae installation
ACTION:	No effect
ACTION DATE:	11/22/1999

PROJECT #:	NE-105-99
APPLICANT:	Department of Parks and Recreation
LOCATION:	Gaviota Creek, Santa Barbara County
PROJECT:	Restoration of steelhead habitat
ACTION:	No effect
ACTION DATE:	11/23/1999

PROJECT #:	NE-110-99
APPLICANT:	Airpower Aviation Resources
LOCATION:	Dale Lake, San Bernadino County
PROJECT:	Crashing Airplane
ACTION:	No effect
ACTION DATE:	11/19/1999

PROJECT #:	NE-111-99
APPLICANT:	Scripps Institution of Oceanography
LOCATION:	Offshore of Half Moon Bay, San Mateo County
PROJECT:	Extension of time for removal of ATOC cable
ACTION:	No effect
ACTION DATE:	11/19/1999

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November 22, 1999

Daniel M. Fernandez
California State University, Monterey Bay
100 Campus Drive
Seaside, CA 93955-8001

RE: **NE-099-99**, No-Effects Determination for the installation of two antennas and support equipment at the Point Sur Lighthouse, Monterey County.

Dear Dr. Fernandez:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed project includes the placement of two 12-foot tall whip antennas on Coast Guard land near the Point Sur lighthouse. Each antenna will be placed on a sandy patch of ground on a hill above the lighthouse and will be supported with three guide wires. The project also includes installation of support equipment including a computer and two equipment boxes, all of which will be placed within an existing shed. The supporting equipment will be connected with the antennas by cables placed on the ground without any trenching. The proposed antennas are called Coastal Ocean Dynamics Applications Radar or CODAR and measure electromagnetic energy reflected by surface waves in the ocean to determine the surface speed of the water beneath the surface of the ocean.

The proposed antennas will not affect visual resources because they are small whip antennas and will not be visible from Highway One or offshore areas. Since this part of the Point Sur area is owned by the California Department of Parks and Recreation, the public has access to the area. Although the antennas may be visible from public areas around the lighthouse, the impact will not be significant because of the small size and unobtrusive nature of the antennas and the existing development within the area, which includes radio towers, telephone poles, and several buildings. The proposed project will not affect public access or recreation resources because the location of the antennas is not currently available for public use and construction will not interfere with public access. These radar antennas are a not risk to human health, because they only emit a mild electromagnetic energy wave (75 watts at 25 MHz frequency) that is significantly lower than most military radar facilities and comparable to the power emitted by Ham or CB radios. Finally, the project will not affect habitat resources of the area because the antennas will be placed in a sandy area that is devoid of vegetation and the project does not require any grading or trenching.

In conclusion, the Coastal Commission staff agrees that the proposed project will not significantly affect coastal zone resources. We, therefore, concur with the conclusion that the proposed activity does not require a consistency certification pursuant to 15

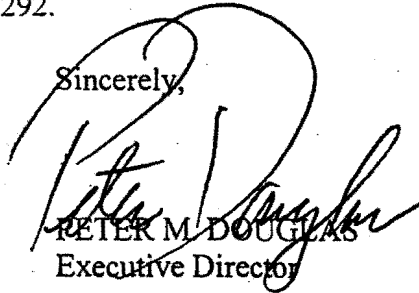
November 22, 1999

ND-99-99

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C.F.R. Section 930.50. If you have any questions, please contact James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Central Coast Area Office
Department of Water Resources
Governor's Washington D.C. Office

PMD/JRR

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November 23, 1999

Ronnie Glick
Department of Parks and Recreation
Channel Coast District
1933 Cliff Drive, Suite #27
Santa Barbara, CA 93109

RE: **NE-105-99**, No-Effects Determination, California Department of Parks and Recreation, Fish Passage Enhancement, Gaviota Creek, Santa Barbara County

Dear Mr. Glick:

The Coastal Commission has reviewed the above-referenced "No Effects" letter from the Dept. of Parks and Recreation for the construction/modification of fish passage structures on Gaviota Creek in Santa Barbara County. The project consists of improving fish passage along the Creek by modifying existing barriers to fish passage located adjacent to Highway 101, roughly 1 ¼ and 1 ¾ mi. inland of the Gaviota coast shoreline. The barriers resulted from historic construction of two concrete structures: Grade Control Structure #1, which created a 5 ft. vertical drop in the creek; and Grade Control Structure #2, which created a 3 ft. vertical drop. Both of these drops reduce the ability of steelhead to navigate the creek. The California Dept. of Fish and Game (DFG) and the U.S. Fish and Wildlife Service have both stated that reducing the effects of these barriers is a very high priority for Gaviota Creek restoration. In addition, the National Marine Fisheries Service supports the project.

To address the problem, DPR is proposing to temporarily divert the creek and cut "V" shaped notches in the existing grade control structures. The cuts have been designed to concentrate low flows, while allowing a calm backwater area to prevent migrating fish from being flushed to downstream pools. In addition, for Grade Control Structure #2 only, DPR proposes to install two "U" shaped boulder weirs, approximately 30 and 60 yards downstream from the structure.

The project requires a coastal development permit (c.d.p.) from Santa Barbara County, in an area where such permits are appealable to the Coastal Commission. On October 15, 1999, the County Planning Commission approved a c.d.p. for the project, with conditions including requirements for:

(1) conducting biological surveys prior to construction, protecting sensitive species found during the survey, and retaining a qualified biological monitor on site throughout construction (who will have the authority to stop work if warranted);

(2) submittal of an erosion control plan maximizing use of siltation controls (and settlement ponds, where appropriate);

(3) offsite removal of all excess concrete and debris (including tailings from the concrete saw);

(4) design of the boulder weirs consistent with Dept. of Fish and Game (DFG) requirements;

(5) restoration and revegetation (10:1) of all disturbed areas, including monitoring and maintenance (i.e., non-invasive species eradication) for three years;

(6) use of hand tools wherever feasible, prohibition on use of any heavy equipment, and maintenance of a 50 ft. buffer between any refueling activities and the creek;

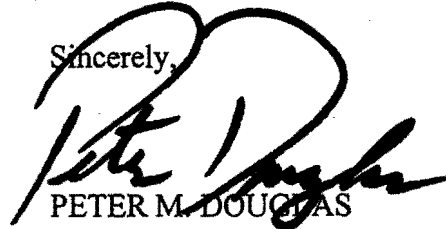
(7) limitation of the construction period to late summer/fall (Aug. 1-Dec.15) to protect sensitive species, and development of a sensitive species protection plan (including red-legged frogs and steelhead);

(8) post-construction geomorphic monitoring for three years; and

(9) evidence of DFG approval (required for streambed alteration), Caltrans approval (for encroachment), submittal of traffic control plans (to minimize access impacts), and archaeological monitoring.

With the conditions imposed by Santa Barbara County designed to protect Gaviota Creek habitat and other coastal resources, and given the Commission's ability to address any remaining coastal issues through the c.d.p. appeals process, the Commission **concurs** with the conclusion that the proposed activity does not require a consistency certification pursuant to 15 C.F.R. Section 930.50. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Army Corps, Ventura Field Office

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November 19, 1999

Ronald Raimo
Fluid Tech, Inc.
4335 West Tropicana, Suite 3
Las Vegas, Nevada 89103

Applicant: **Fluid Tech, Inc./Airpower Aviation Resources, Inc.**
Project: **Remote controlled crash of large aircraft**
Location: **Dale Lake, San Bernadino Co.**

Coastal Commission Federal Consistency Jurisdiction No: **NE-110-99**

Coastal Commission File No. (if applicable):

U.S. Army Corps of Engineers Notice No. (if applicable):

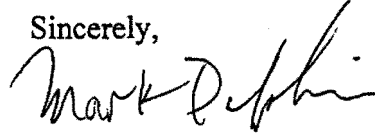
If a nationwide permit, NWP number

The Coastal Commission staff has received your request to identify Commission jurisdiction for the purposes of processing an individual, nationwide, general or regional permit from the Army Corps of Engineers (Corps). Pursuant to the federal Coastal Zone Management Act (CZMA), the Corps cannot issue a permit for an activity, either in or out of the coastal zone, that affects land and water uses or natural resources of the coastal zone until the applicant has complied with the requirements of Section 307(c)(3)(A) of the CZMA. (16 USC Section 1456[c][3][A].) The applicant can meet these requirements by receiving a Commission concurrence with either (1) a consistency certification prepared by the applicant or (2) a showing that the activity does not affect the coastal zone. Alternatively, the applicant can satisfy these requirements by the issuance of a Commission approved coastal development permit. Since the Commission cannot delegate federal consistency authority to local governments, a coastal development permit issued by a local agency does not replace the requirement for a consistency certification. However, if an activity is within the Ports of San Diego, Long Beach, Los Angeles, or Port Hueneme and is identified in the Commission certified Port Master Plan, then no consistency certification is necessary.

The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has made the following determination:

The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project is located outside the coastal zone; and (2) the project will not affect coastal resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine". The signature is fluid and cursive, with the first name "Mark" being more prominent and the last name "Delaplaine" written in a continuous script.

Mark Delaplaine
Federal Consistency Staff

cc: Long Beach Area Office
Army Corps, Los Angeles District

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November 19, 1999

Peter Worcester
Scripps Institution of Oceanography
University of California, San Diego
9500 Gilman Drive
La Jolla, CA 92093

Re: **NE-111-99** - No Effects Determination for Nine-Month Extension for Cable and Sound Source Removal - Modification to CC-110-94 & CDP 3-95-40, Scripps Institution of Oceanography (Scripps) California Acoustic Thermometry of Ocean Climate/Marine Mammal Research Program (ATOC/MMRP)

Dear Mr. Worcester:

The Coastal Commission staff has received the above-referenced "No Effects" letter requesting a nine-month extension of Scripps' plans to remove the ATOC/MMRP cable and sound source. As noted in our letter to you of September 9, 1999, the cable and sound source removal was among the conditions of approval by the Commission, and Scripps had agreed in a settlement agreement with environmental organizations (which was incorporated into Scripps' agreements with the Commission) that they would be removed "as soon as is feasible after the 2 year project." Our September 9, 1999, letter also informed Scripps of our belief that its request to NOAA's National Marine Sanctuary Program (NMSP) for a proposed extension of an entire year beyond October 31, 1999, for removal of the ATOC cable necessitated additional Coastal Commission review.

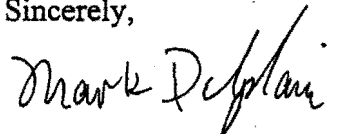
On September 20, 1999, NOAA's NMSP informed Scripps that it was unwilling to grant a one year extension, and instead initially limited its extension authorization to one month (i.e., through November 30, 1999). On October 15, 1999, the Commission staff concurred with this initial one-month extension (NE-103-99). After further negotiations between Scripps and NMSP on November 5, 1999, NMSP agreed that, with certain commitments and understandings, an additional nine month extension was warranted. It is this additional extension request that is the subject of this No Effects determination.

This submittal includes commitments to actively remove the cable by a time certain. Through this commitment, Scripps agrees to take all efforts necessary to complete the removal operations by August 31, 2000, barring unforeseen circumstances (defined as "unseasonal storms, at-sea accidents, mechanical failure, unavailability of ship or crew despite firm charter arrangements, or other such unforeseeable events"). This submittal acknowledges that July through October is the favorable time window, due to calmer weather conditions during this period and because NMSP does not want cable removal to occur prior to July 31 within 1 km of Pillar Point Harbor/Fitzgerald Marine Reserve, in order to protect harbor seals.

As we indicated in our concurrence with NE-103-99, we believe that Scripps remains committed to continuing the removal efforts until they are successful. We appreciate Scripps' continued commitment to attempt to remove the cable and sound source as soon as is feasible, and we believe the proposed nine-month extension request is reasonable and appropriate under these circumstances.

Therefore, we concur with Scripps' "No Effects" determination and agree that no further consistency review by the Commission is necessary for this nine-month extension request. Please note that any further extension requests will require further authorization by this agency, and may necessitate a public hearing before the Commission. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,



(s) PETER M. DOUGLAS
Executive Director

cc: Santa Cruz Area Office
NMFS (Office of Protected Resources)
NOAA (Stephanie Thornton, Helen Golde)
OCRM (David Kaiser)
California Department of Water Resources
Governor's Washington D.C. Office
MBNMS (Bill Douros)